

111TH CONGRESS
1ST SESSION

H. R. 2545

To provide a civil penalty for certain misrepresentations made to Congress,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. ISSA (for himself, Mr. SMITH of Texas, Mr. KING of Iowa, Mr. CAMPBELL, and Mr. GOHMERT) introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select)

A BILL

To provide a civil penalty for certain misrepresentations
made to Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Classified Information
5 Accountability Act of 2009” or “CIA Act”.

6 **SEC. 2. CIVIL PENALTY FOR CERTAIN MISREPRESENTA-**
7 **TION MADE TO CONGRESS.**

8 (a) IN GENERAL.—Whoever, being a member of the
9 intelligence community, knowingly and willfully—

1 (1) falsifies, conceals, or covers up by any trick,
2 scheme, or device a material fact;

3 (2) makes any materially false, fictitious, or
4 fraudulent statement or representation; or

5 (3) makes or uses any false writing or docu-
6 ment knowing the same to contain any materially
7 false, fictitious, or fraudulent statement or entry;
8 in any communication to a United States Senator or Rep-
9 resentative that involves classified material shall be liable
10 for a civil penalty of not more than \$10,000.

11 (b) EMPLOYEE NOT TO BE INDEMNIFIED.—No
12 United States agency or department may directly or indi-
13 rectly indemnify a person for that person's liability under
14 this section.

15 (c) CONGRESSIONAL STANDING TO SUE.—A Senator
16 or Representative who was a party to the communication
17 with respect to which a violation of subsection (a) took
18 place may in a civil action, recover the civil penalty pro-
19 vided by this section on behalf of the United States, to
20 be deposited in the United States Treasury for public use.

21 (d) IN CAMERA REVIEW OF CLASSIFIED INFORMA-
22 TION.—In a civil action under this section, the court shall
23 conduct any review of classified information in camera.

1 (e) STATUTE OF LIMITATIONS NOT APPLICABLE.—
2 A civil action under this section may be brought at any
3 time without limitation.

4 (f) DEFINITIONS.—In this section—

5 (1) the term “member of the intelligence com-
6 munity” means a person employed by the intel-
7 ligence community (as defined in section 3(4) of the
8 National Security Act of 1947 (50 U.S.C. 404a(4));
9 and

10 (2) the term “classified information” means
11 any information or material that has been deter-
12 mined by the United States Government pursuant to
13 an Executive order, statute, or regulation, to require
14 protection against unauthorized disclosure for rea-
15 sons of national security.

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